

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Prior application: Examiner To be assigned  
Art Unit 1636

Assistant Commissioner for Patents  
Box PATENT APPLICATION  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/547,220 filed on April 11, 2000.

of Michael Brines, Anthony Cerami, and Carla Cerami  
(inventor(s) currently of record in prior application)

for MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN  
(title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	11	-20	0	\$18.00 each	\$ 0.00
Independent	1	-3	0	\$80.00 each	\$ 0.00
Minimum Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 0.00
Total					\$ 710.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern (a verified statement as to the applicant's status is attached)					\$ 355.00
Total Filing Fee					\$ 355.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a division of application no. 09/547,220, filed April 11, 2000, the entire contents of which are incorporated herein by reference in its entirety.
- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this

application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☐ The prior application is assigned of record to The Kenneth S. Warren Laboratories, at Reel , Frame .
- 7a. ☐ The Power of Attorney appears in the original papers in the prior application no. A copy of the executed Power is enclosed.
- 7b. ☐ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior application no. , filed is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no.
10. ☐ Additional enclosures or instructions.

Respectfully submitted,

*Laura A. Coruzzi*

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30,742

(Reg. No.)

Date November 21, 2000

by Eileen E. Fahy  
46,097  
Reg No.

**APPLICATION DATA SHEET UNDER 37 C.F.R. § 1.72****Inventor Information:**

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**Application Information:**

Title Line One: MODULATION OF EXCITABLE TISSUE FUNCTION  
Title Line Two: BY PERIPHERALLY ADMINISTERED ERYTHROPOIETIN  
Total Drawing Sheets: 17  
Formal Drawings?: No  
Application Type: Utility  
Docket No.: 10165-010-999

**Representative Information:**

Representative Customer No.: 20583

**Continuity Information:**

This application is a: Divisional application of pending  
Application One: Application No. 09/547,220  
Filing Date: April 11, 2000

claiming priority to:

Application Two: Application No. 60/129,131  
Filing Date: April 13, 1999

Express Mail No. EL 501 637 075US First Class Mail ( )  
Date Mailed 2/22/01  
Ser. No. 091717, 057  
Inventor Brines, et al. Filed 11/21/00  
For MODULATION OF EXCITABLE TISSUE FUNCTION BY  
PERIPHERALLY ADMINISTERED ERYTHROPOIETIN  
( ) Affidavit/Declaration  
(X) Amendment Preliminary Request ( ) Fee Address Indication Form  
( ) Application Pages To Establish Small Entity ( ) Fee Calculation  
( ) Claims Drawings ( ) Issue Fee Transmittal  
( ) Appeal, Notice of Entity ( ) Letter  
( ) Assignment ( ) Oral Hearing Req./Confirm.  
( ) Brief (in triplicate) ( ) Petition to Extend Time  
( ) Declaration & Power of Attorney LM ( ) Pet. under 37 C.F.R. FEB 22 2001  
( ) Design Application ( ) Power of Attorney Associate w/Revocation  
( ) Disclaimer ( ) Sequence Listing w/Computer Readable and Paper Copies  
(X) Disclosure Statement + PTO Form 1449 ( ) Small Entity Statement  
( ) w/refs. (X) w/o refs. List of References ( ) Status Letter  
( ) Drawings Formal ( ) Transmittal Letter  
    Sheets Figures  
Other: Application Data Sheet Under 37 CFR §1.72  
File No. 10165-010-999 Sender: LAC/EEF

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Express Mail No. EL 501 635 573 US

Date Mailed: November 21, 2000

First Class Mail ( )

Serial No.: To be assigned

Filed: November 21, 2000

Inventor: Brines et al.

FOR: MODULATION OF EXCITABLE TISSUE FUNCTION BY PERIPHERALLY ADMINISTERED  
ERYTHROPOIETIN

( ) Affidavit/Declaration

( ) Supplemental Amendment

(X) Application 38 pages + Abstract ( ) Issue fee transmittal Fee Sheet w/copy of Part B

10 Claims, 17 Sheets drawing

( ) Appeal, Notice of

( ) Assignment and Recordation  
Form Cover Sheet

( ) Brief (in triplicate)

(X) Declaration and Power of Attorney

( ) Design Application

( ) Disclaimer

( ) Disclosure Statement

( ) Fee Address Indication Form

(X) Patent Application Fee Sheet (in duplicate)

( ) Utility Patent Application Fee Sheet

( ) Oral Hearing Req./Confirm.

( ) Petition to Extend Time ( ) months

( ) Sequence Listing w/Computer Readable and Paper  
Copies

( ) Petition under 37 C.F.R.

( ) Notice of Appeal from the Primary Examiner to  
The Board of Patent Appeals & Interferences

( ) Status Letter

( ) Small Entity Statement

(X) UTILITY PATENT APPLICATION  
TRANSMITTAL

OTHER:

File No. 10165-010-999 Sender: Laura A. Coruzzi/Eileen Falvey (LAC/EXF)

